



BERMAN DEVALERIO

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VIA ELECTRONIC CASE FILING

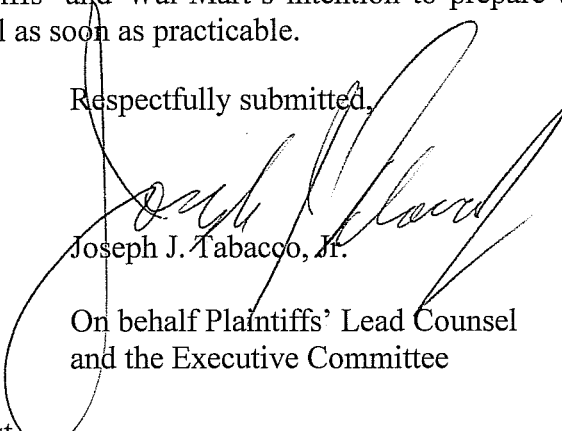
The Honorable Phyllis J. Hamilton
U.S. District Court - Northern District
Oakland Courthouse, Courtroom 3 - 3rd Floor
1301 Clay Street, Oakland, CA 94612

**Re: *In re Online DVD Rental Antitrust Litigation,*
Case No. 4:09-md-02029-PJH, MDL No. 2029**

Dear Judge Hamilton:

We write on behalf of the plaintiffs in the above-captioned litigation. We are pleased to inform the Court that we have reached a revised settlement agreement in principle with defendant Wal-Mart. This agreement is still subject to our clients' approval, which we hope and expect to obtain shortly. We hope that the new agreement will obviate the concerns that were raised with respect to the prior agreement. Specifically, the new agreement is only on behalf of Netflix subscribers and contains other changes to simplify the structure of the settlement and payout to class claimants. It is plaintiffs' and Wal-Mart's intention to prepare the settlement papers and to seek preliminary approval as soon as practicable.

Respectfully submitted,



Joseph J. Tabacco, Jr.

On behalf Plaintiffs' Lead Counsel
and the Executive Committee

cc: All Counsel on ECF Service List